

REMARKS

In the Office Action dated January 8, 2004, claims 1 - 4 and 6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al. and Molitor et al. Claim 5 was rejected under 35 U.S.C. §103(a) based on the aforementioned combination, further in view of Freeman et al. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over the first combination, further in view of Feinland et al. Claims 8-10, 21, 22 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al., Molitor et al. and Feinland et al. Claims 11 and 13-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al., Molitor et al. and Feinland et al., further in view of Kalm et al. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over this latter combination, further in view of Cordery et al. Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al., Molitor et al. and Feinland et al., further in view of Braun et al. Claims 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al., Molitor et al. and Feinland et al., further in view of Cordery et al. Claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al., Molitor et al. and Feinland et al., further in view of Sakai et al. Claim 28 was rejected under 35 U.S.C. §103(a) as being unpatentable over Murata et al., Manduley et al., Molitor et al. and Feinland et al., further in view of Cordery et al.

These rejections are respectfully traversed for the following reasons. As described in the passage from Murata et al. cited by the Examiner at column 1, lines 45-67 through column 2, lines 1-20, the Murata et al. apparatus operates by bringing

the weighing conveyor 1 to a complete stop, if and when a stability criterion for the weight measurement is not satisfied. As long as the stability criterion for each weight measurement is satisfied, the weighing conveyor 1 operates in a dynamic mode with the items being conveyed and weighed by the weighing conveyor 1 without any stoppage. If the weight measurement does not stabilize within a predetermined time interval, a switch is made to the static weighing mode, and the weighing conveyor 1 is brought to a complete stop and the item is weighed in the static mode.

This manner of operation described in the Murata et al. reference differs significantly, in at least two respects, from the method of independent claim 1 and the dynamic scale of independent claim 8 of the present application.

The Examiner apparently equated the complete stoppage of the weighing conveyor that occurs for weighing in the static mode with a “deactivation” of the regulation of the conveyor speed that occurs during operation in the dynamic weighing mode. Applicant respectfully submits that stopping the weighing conveyor 1, and maintaining it in a stopped condition (as described in the Murata et al. reference at column 3, lines 57-60) is the most extreme form of regulation, rather than any “deactivation” of regulation. There is no explicit description in the Murata et al. reference as to the details of how the weighing conveyor 1 is stopped, and maintained in the stopped condition, but since it is driven by a motor 11, there must be some type of control exercised over the motor 11 to achieve the stoppage, maintain the stopped condition, and then place the conveyor again in motion. If it is desired to move articles to be weighed through the system disclosed in Murata et al. with any degree of speed, it would not seem feasible to simply “turn off” the motor 11 and wait until it comes to a standstill, since this would take a very long time and

make the switch from the dynamic mode to the static mode impractical. Therefore, it seems likely that some type of braking mechanism is used to bring the motor 11, and the weighing conveyor 1, to an immediate stop for weighing in the static mode. It also seems likely that this braking mechanism is maintained in the braking condition while the item is weighed in the static mode, and then the brake is released to allow movement of the weighing conveyor 1 again in the dynamic mode.

In any event, it seems essential that the motor 11 be controlled in some manner, not only to stop the weighing conveyor 1, but to maintain it in a stopped condition. As noted above, this is the most extreme example of regulating the conveyor speed (i.e., it is intentionally being held to a speed of zero) that can be imagined. It is the opposite of “deactivating” the regulation of the conveyor speed.

Moreover, each of independent claims 1 and 8 explicitly stated that the weight measurement is obtained “with said postal item *moving* at a speed other than said predetermined regulated conveying speed” (emphasis added). Claims 1 and 8, therefore, explicitly require that the weight measurement be made while the postal item is *moving*. By contrast, in the Murata et al. reference, as noted above, even if stopping the weighing conveyor 1 and maintaining it in a stopped condition are equated with “deactivating” the speed regulation, this is explicitly for the purpose of conducting a weight measurement in the *static mode*, i.e., with the postal item *not moving*. Therefore, even if the Examiner’s position regarding interpretation of the term “deactivating” is accepted, the language of independent claims 1 and 8 still is not satisfied, because the weight measurement in Murata et al. with the speed regulation “deactivated” (according to the Examiner’s interpretation) then results in a

weight measurement being made while the item is *not moving*, which is directly contrary to the explicit language of independent claims 1 and 8.

This language in independent claims 1 and 8 was intended to mean that the weight measurement takes place in the dynamic mode, and claims 1 and 8 have been amended to make this explicitly clear. Given the previous language in claims 1 and 8, and the further explicit description thereof in amended claims 1 and 8, it is clear that the Murata et al. reference operates in a manner completely opposite to that of independent claims 1 and 8.

As noted above, the Examiner apparently believes the Murata et al. reference discloses the “deactivating” features of independent claims 1 and 8, and therefore the secondary references (Manduley et al. and Molitor et al.) were not relied upon by the Examiner with respect to that feature of claims 1 and 8.


Nothing in either of those secondary references alters the aforementioned description of the basic manner of operation of Murata et al., which, as noted above, is completely opposite to the subject matter of claims 1 and 8. Therefore, even if the Murata et al. system were modified in accordance with the teachings of Manduley et al. and Molitor et al., the subject matter of claims 1 and 8 still would not result. Moreover, since the teachings of Murata et al. are opposite to the aforementioned features of independent claims 1 and 8, a person of ordinary skill in the art would have no basis whatsoever to modify the Murata et al. reference in an effort to cause the system disclosed in that reference to operate in conformity with claims 1 or 8. Doing so would destroy the intended operation of the Murata et al. reference, in which it is essential that weighing be able to take place both in the dynamic mode

and in the static mode, the latter requiring the aforementioned complete stoppage of the weighing conveyor, and maintenance of the conveyor in this stopped condition.

Since all of the other rejections are based on the Murata et al., Manduley et al. and Molitor et al. combination, with or without additional references, the above comments apply to all of the rejections of all of the claims. For the same or similar reasons, none of the claims of the present application respectively depending from claims 1 or 8 would have been obvious to a person of ordinary skill in the art based on a combination of the teachings of Murata et al., Manduley et al. and Molitor et al., taken by themselves or in combination with further references.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



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